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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,771	07/20/2000	Mark Ronald Sikkink	499.078US1	3666
21186	7590	01/10/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			ART UNIT	PAPER NUMBER

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20050104

DATE MAILED:

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Commissioner for Patents

Regarding the subject matter indicated as allowable in the Advisory Action mailed on May 10, 2004, the examiner has left voicemail messages with applicant's attorney John M. Dahl (#44,639) on December 8, 2004, on December 10, 2004 and on December 21, 2004. In addition, the examiner left a message with Paralegal Patty Hultman on January 4, 2004.

None of these messages have been returned. The examiner can be reached at (571) 272-4185.

B. James Peikari
Primary Examiner
Art Unit: 2186

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/619,771

Applicant(s)

SIKKINK ET AL.

Examiner

B. James Peikari

Art Unit

2186

--The MAILING DATE of this communication appears on the cover sheet with the corresponding address--

The Appeal Brief filed on 18 November 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☒ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet



B. James Peikari
Primary Examiner
Art Unit: 2186

Continuation of 9. Other (explanation in support of the above items):

(3) Section 4 of the Appeal Brief does not correctly state the status of the amendment after final. One amendment was filed after final on April 29, 2004. In the Advisory Action of May 10, 2004, the examiner indicated that the amendment of April 29, 2004 would not be entered for purposes of appeal. Thus, there are no "pending amendments".

(3) Section 4 of the Appeal Brief states "Amendments to claims 1, 11 and 29" were previously presented. Although an amendment to claim 29 was made on December 29, 2003, this section of the Appeal Brief should be "a statement of the status of any amendment filed subsequent to final rejection" (note MPEP 1206, Appeal Brief Content). As stated above, only one amendment was filed subsequent to final rejection. That amendment included changes to claims 1, 11 and 20 only.

(4) Section 5 of the Appeal Brief does not refer to the specification by page and line number and does not refer to the drawing by reference characters. Note that "This explanation is required to refer to the specification by page and line number, and, if there is a drawing, to the drawing by reference characters" (MPEP 1206, Appeal Brief Content).

(4) Section 5 of the Appeal Brief contains an incorrect description of the features of pending claims 1, 11 and 20. There are no first pointers, no second pointers and no time-dependent enabling of these pointers in the claims on appeal.

(5) Section 6 of the Appeal Brief incorrectly identifies the claims subject to the Grounds of Rejection to be Reviewed on Appeal. Claims 1 and 29 are rejected.

(8) The Appendix of the Appeal Brief does not include a correct copy of the claims (i.e., as presented on December 29, 2003).